

STATEMENT OF BASIS (AI 90209)

for draft Louisiana Pollutant Discharge Elimination System permit No. LA0115274 to discharge to waters of the State of Louisiana.

THE APPLICANT IS: A La Carte Foods, Inc.
A La Carte Foods - Paincourtville
278 Ideal St.
Paincourtville, LA 70391

ISSUING OFFICE: Louisiana Department of Environmental Quality (LDEQ)
Office of Environmental Services
Post Office Box 4313
Baton Rouge, Louisiana 70821-4313

PREPARED BY: Ronda Burch

DATE PREPARED: May 26, 2009

1. PERMIT STATUS

- A. Reason for Permit Action:
Permit reissuance of a Louisiana Pollutant Discharge Elimination System (LPDES) permit for a 5-year term
- B. NPDES permit: NPDES permit effective date: N/A
NPDES permit expiration date: N/A
- C. LPDES permit: LA0115274
LPDES permit effective date: January 1, 2004
LPDES permit expiration date: December 31, 2008
- D. Date Application Received: June 9, 2008

2. FACILITY INFORMATION

- A. FACILITY TYPE/ACTIVITY - cooked foods manufacturing facility

A La Carte Foods Inc. is an existing food manufacturing facility. The facility typically produces frozen dinners which are shipped out daily. The wastewater stream is composed of sanitary wastewater from employees and process wastewater from food processing. A La Carte Foods uses steam to heat and cook food. Process wastewater is sent through a grease trap and then, along with the facility's sanitary wastewater, to a mechanized aerobic treatment unit. The facility is not subject to the Effluent Limitation Guidelines (ELG) found in 40 CFR 407 Subpart H: Canned and Miscellaneous Subcategory. The facility's average daily use of raw inputs is approximately 3,600 lbs of raw food products. At this level of production, the facility does not meet the minimum production level requirements to be subject to the effluent limits prescribed in 40 CFR 407.82. As a result, only Class I Sanitary Discharge General Permit limits were applied to the facility discharge.

- B. FEE RATE
1. Fee Rating Facility Type: minor
 2. Complexity Type: II (BPJ point to 0 based on facility size)
 3. Wastewater Type: II
 4. SIC codes: 2092 and 2038

- (C. LOCATION: 278 Ideal St., Paincourtville, Assumption Parish
Latitude 29° 59' 58", Longitude 91° 02' 25"

Statement of Basis for
 A La Carte Foods, Inc. / A La Carte Foods - Paincourtville
 LA0115274, AI 90209
 Page 2

3. OUTFALL INFORMATION

Outfall 001

Discharge Type: intermittent discharge of cooking process wastewater, sanitary wastewater, and stormwater
 Treatment: grease trap (process water only) and mechanical sewage treatment plant with chlorine contact
 Location: at the point of discharge from the mechanical plant, prior to mixing with any other waters
 Flow: 1,500 GPD
 Discharge Route: Baker Canal via local drainage, thence into Grand Bayou

4. RECEIVING WATERS

STREAM - Baker Canal via local drainage, thence into Grand Bayou

BASIN AND SEGMENT - Barataria Basin, Segment 020101

DESIGNATED USES -

- a. primary contact recreation
- b. secondary contact recreation
- c. propagation of fish and wildlife
- d. agriculture

5. TMDL STATUS

Subsegment 020101, Bayou Verret, Bayou Chevreuil, Bayou Citamon, and Grand Bayou, is not listed on LDEQ's Final 2006 303(d) list as impaired. However, subsegment 020101 was previously listed as impaired for organic enrichment/low DO, nitrate/nitrite, and phosphorus for which the below TMDLs have been developed. The Department of Environmental Quality reserves the right to impose more stringent discharge limitations and/or additional restrictions in the future to maintain the water quality integrity and the designated uses of the receiving water bodies based upon additional TMDLs and/or water quality studies. The DEQ also reserves the right to modify or revoke and reissue this permit based upon any changes to established TMDLs for this discharge, or to accommodate for pollutant trading provisions in approved TMDL watersheds as necessary to achieve compliance with water quality standards.

The following TMDL's have been established for subsegment 020101:

Bayou Verret, Bayou Chevreuil, Bayou Citamon, and Grand Bayou TMDL for Biochemical Oxygen-Demanding Substances

This TMDL calls for 0% reductions from point source discharges. Therefore, standard limits to address dissolved oxygen content have been applied in this permit. LDEQ's position, as stated in the declaratory ruling issued by Dale Givens regarding water quality criteria for nutrients (Sierra Club v. Givens, 710 So.2d 249 (La. App. 1st Cir. 1997), writ denied, 705 So.2d 1106 (La. 1998), is that when oxygen-demanding substances are controlled and limited in order to ensure that the dissolved oxygen criterion is supported, nutrients are also controlled and limited. The implementation of this TMDL through wastewater discharge permits and implementation of best management practices to control and reduce runoff of soil and oxygen-demanding pollutants from nonpoint sources in the watershed will also control and reduce the nutrient loading from those sources. Therefore, the BOD₅ limitations shall also ensure that the discharge shall not cause or contribute to further nutrient impairments in the receiving stream.

6. PROPOSED EFFLUENT LIMITS

BASIS - See Rationale below.

Statement of Basis for
 A La Carte Foods, Inc. / A La Carte Foods.- Paincourtville
 LA0115274, A190209
 Page 3

Changes to Previous Permit

1. Monthly Average BOD₅ and TSS limits were added to Outfall 001 based on Schedule B of LAG530000 effective on 12/1/2007.

7. COMPLIANCE HISTORY/COMMENTS

A. OEC:

September 11, 2007: Compliance inspection for period of January 2004-September 11, 2007 revealed 1 fecal coliform, 1 oil & grease, 12 BOD, and 5 TSS excursions. Facility appeared well-maintained.

October 19, 2007: Notice of Deficiency letter issued to address noncompliance noted in the inspection. The facility responded with upgrades that have been implemented and noted that they have not had an excursion since the beginning of 2007.

November 11, 2007: A routine compliance inspection noted several permit violations.

B. DMR Review/Excursions:

A review of the files for the period of January 28, 2007 to January 28, 2009, revealed that the facility has not been reporting TSS and Oil & Grease on DMRs, nor have they followed the designated monitoring periods. For parameters that were reported, one BOD₅ excursion was noted.

8. EXISTING EFFLUENT LIMITS

Outfall 001 - the discharge of treated process wastewater and process area stormwater, the discharge of treated sanitary wastewater (0.0015 MGD)

Pollutant	Limitation		Monitoring Frequency
	Monthly Avg.	Daily Max.	
	mg/L		
Flow – MGD	Report	Report	Monthly
BOD ₅	---	45	Monthly
TSS	---	45	Quarterly
Fecal Coliform (col/100ml)	---	400	Semi-annually
Oil & Grease	---	15	Quarterly
pH (s.u.)	6.0 (min)	9.0 (max)	Quarterly

9. ENDANGERED SPECIES

The receiving waterbody, Subsegment 020101 of the Barataria Basin is not listed in Section II.2 of the Implementation Strategy as requiring consultation with the U.S. Fish and Wildlife Service (FWS). This strategy was submitted with a letter dated November 17, 2008 from Rieck (FWS) to Nolan (LDEQ). Therefore, in accordance with the Memorandum of Understanding between the LDEQ and the FWS, no further informal (Section 7, Endangered Species Act) consultation is required. The effluent limitations established in the permit ensure protection of aquatic life and maintenance of the receiving water as aquatic habitat. Therefore, the issuance of the LPDES permit is not likely to have an adverse effect on any endangered or candidate species or the critical habitat.

Statement of Basis for
A La Carte Foods, Inc. / A La Carte Foods - Paincourtville
LA0115274, A190209
Page 4

10. HISTORIC SITES

The discharge is from an existing facility location, which does not include an expansion on undisturbed soils. Therefore, there should be no potential effect to sites or properties on or eligible for listing on the National Register of Historic Places, and in accordance with the "Memorandum of Understanding for the Protection of Historic Properties in Louisiana Regarding LPDES Permits" no consultation with the Louisiana State Historic Preservation Officer is required.

11. TENTATIVE DETERMINATION

On the basis of preliminary staff review, the Department of Environmental Quality has made a tentative determination to issue a permit for the discharge described in the application.

12. PUBLIC NOTICES

Upon publication of the public notice, a public comment period shall begin on the date of publication and last for at least 30 days thereafter. During this period, any interested persons may submit written comments on the draft permit and may request a public hearing to clarify issues involved in the permit decision at this Office's address on the first page of the statement of basis. A request for a public hearing shall be in writing and shall state the nature of the issues proposed to be raised in the hearing.

Public notice published in:

Local newspaper of general circulation

Office of Environmental Services Public Notice Mailing List

Statement of Basis for
 A La Carte Foods, Inc. / A La Carte Foods - Painscourtville
 LA0115274, AI 90209
 Page 5

Rationale for A La Carte Foods, Inc.

1. **Outfall 001** - intermittent discharge of cooking process wastewater, sanitary wastewater, and stormwater (estimated flow is 1,500 GPD)

Pollutant	Limitation		Reference
	Monthly Avg	Daily Max	
	mg/L		
Flow	Report	Report	
BOD ₅	30	45	Similar discharges* (BPJ), LAG530000
TSS	30	45	Similar discharges* (BPJ), LAG530000
Oil & Grease	---	15	Similar discharges* (BPJ), LAG530000
Fecal Coliform (col/100ml)	200	400	Similar discharges* (BPJ), LAG530000
pH (s.u).	6.0 (min)	9.0 (max)	Similar discharges* (BPJ), LAG530000

Treatment: Grease trap (process wastewater only) and a mechanical sewage treatment plant with chlorine contact.

Monitoring Frequency: Semiannually for fecal coliform. Monthly for all other parameters. Please note that the monitoring frequency for TSS, oil and grease, and pH has been increased since the facility has not been reporting TSS and oil and grease, nor have they followed the designated monitoring periods.

Limits Justification: These limits are based on Schedule B of the Class I Sanitary General Permit because this is an industrial facility.

At the current level of production, the facility does not meet the minimum production level requirements to be subject to the effluent limits prescribed in 40 CFR 407 Subpart H. Although the guideline limitations do not apply, the BOD₅, TSS, oil & grease, and pH parameters have been assigned to the discharge based on 40 CFR 407.82 and BPJ. Concentration limits rather than mass limits have been placed in this permit since the discharge from this facility is intermittent and variable in nature. Concentration limits from Schedule B of the Class I Sanitary General Permit have been deemed more appropriate for protection of the receiving waterbody. The oil and grease limit is established because the wastewater includes discharge from kitchen areas.

BPJ Best Professional Judgement
 s.u. Standard Units

STORM WATER POLLUTION PREVENTION PLAN (SWP3) REQUIREMENT

In accordance with LAC 33:IX.2707.1.3 and LAC 33:IX.2707.1.4 [40 CFR 122.44(I)(3) and (4)], a Part II condition is proposed for applicability to all storm water discharges from the facility, either through permitted outfalls or through outfalls which are not listed in the permit or as sheet flow. **For first time permit issuance**, the Part II condition requires a Storm Water Pollution Prevention Plan (SWP3) within six (6) months of the effective date of the final permit. **For renewal permit issuance**, the Part II condition requires that the Storm Water Pollution Prevention Plan (SWP3) be reviewed and updated, if necessary, within six (6) months of the effective date of the final permit. If the permittee maintains other plans that contain duplicative information, those plans could be incorporated by reference to the SWP3. Examples of these type plans include, but are not limited to: Spill Prevention Control and Countermeasures Plan (SPCC), Best Management Plan (BMP), Response Plans, etc. The conditions will be found in the draft permit. Including Best Management Practice (BMP) controls in the form of a SWP3 is consistent with other LPDES and EPA permits regulating similar discharges of stormwater associated with industrial activity, as defined in LAC 33:IX.2511.B.14 [40 CFR 122.26(b)(14)].